

United States District Court  
For The Southern District of Texas  
Galveston Division

United States Courts  
Southern District of Texas  
FILED

DEC - 5 2016

David J. Brown, Clerk of Court

Travis James Mullis  
Petitioner

V

Lorie Davis  
Respondent

Case No 3:13-CV-00121

THIS IS A CAPITAL CASE

Motion To Rescind ~~that~~ Previous Motion To Waive  
Appeal & To Terminate Evidentiary Hearing.

To this honorable Court comes now Travis James Mullis  
Petitioner filing Pro-se. Requesting To Withdraw & Rescind  
his Previous Motion to waive Appeal & Terminate Counsel  
filed on Nov 30<sup>th</sup>, 2015 (Docket entry 50) and Cancel  
The evidentiary Hearing set for January 9<sup>th</sup>, 2017.  
Thereby Allowing Appeals To continue AT THIS TIME.

On November 30<sup>th</sup>, 2015 The undersigned  
Petitioner filed with this Court A Motion To Waive Appeal  
and Terminate Counsel. On December 3<sup>rd</sup>, 2015 Attorneys for  
The Respondent filed A Motion To Lift Stay (Docket 51)  
effecting, Asking The Court To Allow Proceedings To evaluate  
Petitioner's Pro-se Request. On 12/24/15 Counsel for  
Respondent filed an opposing Motion to the Lift of the stay  
(See Docket 54)

→  
(Over)

On 1/15/16 This Petitioner Pro-Se filed a Response in support of the STAYED Motion To Lift The Stay (Docket 56) This Court Subsequently Set A hearing for 2/12/16 Via Teleconference. In This hearing this Court Accepted the Motion by This undersigned Petitioner Pro-Se and Lifted The Stay for the purposes of the evaluation to waive. This Court Also Appointed Dr. Timothy Proctor to evaluate This Petitioner for competency.

Since The Feb 12<sup>th</sup> hearing much dialogue between Counsel This Petitioner has ensued. Including evaluation by An Additional expert retained by Counsel. More recently This Petitioner filed A Motion for Discovery requesting To be included in full discovery in Accordance with The Joint Pre hearing Schedule.

After Discovery of much of This material and Reports by experts & Declaration By Lay Witnesses in conjunction with continued discussions and consultation with Petitioner Counsel. This Petitioner Has determined & Decided To hereby Rescind his Motion To Waive Appeals, And To request That This Court Allow for The Revocation of said Request and To Cancel The January 9<sup>th</sup> hearing Allowing the Appeal To proceed forward.

While This Petitioner and his Counsel have had at times  
 Continuity disagreements as to his Competency to  
 Make such a decision to Waive. We have  
 Come to agreements on much more with regards  
 to how to conduct a proper appeal if it was  
 Pursued. Part of The Competency determination  
 is that The Party waiving must have an  
 Adequate understanding of his ~~own~~ Legal options  
 and the ability to Decide upon those. This Petitioner  
 Believes he has This Competency however additional  
 Review with Counsel's Assistance of other Legal  
 options Beside Waiver and Ways to Conduct such  
 have Led This Petitioner to determine there are  
 Better Avenues & options to Pursue other Than Waiving.  
 Thereby This Petitioner has decided to Pursue such  
 Alternative options without Waiving AT This Time

This ~~Petitioner~~ Petitioner for the record states  
 To Support his Competence to Waive and  
 This Rescinding of A Waiver does not constitute  
 a Concession of Non-Competency. But rather  
 is A Part of his many subsequent Competent  
 decisions with respect to Pursuing them  
 as an Alternative to Waiving.

(over)

This Petitioner hereby requests that this Court  
 Allow him to Rescind his Motion to Waive Appeals.  
 and Asks this Court to Cancel the January 9<sup>th</sup> hearing  
 Thereby allowing this Appeal to move forward. This  
 Court may elect to reinstate its previous Stay & Abey  
 or to not do so allowing the Federal Writ to proceed  
 at this Court's level. Either way this Petitioner  
 Asks the Court to Allow for the revocation of  
 the previous request to waive and to Cancel  
 said hearing. Such hearing now would only waste the Court's time.

Wherefore premises considered, This Petitioner  
 Prays this Court will Grant this Motion to  
 Rescind previous motions to waive and Cancel the  
 January 9<sup>th</sup> hearing allowing this Petitioner to  
 proceed with his appeals. Counsel for Petitioner  
 may file a similar request forthcoming. And  
 This undersigned Petitioner pro se will gladly  
 Speak to the Court via Teleconference if it  
 has any questions forthcoming. If the January  
 9<sup>th</sup> hearing is not canceled for some reason this Petitioner  
 hereby waives his right to attend & participate  
 in person or otherwise. As he does not support  
 such hearing.

Respectfully Submitted,  
 Travis James Mullis  
*T J Mullis*  
 #999563 / Polaris Unit

11/30/16

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To The Clerk of Court:

Date: 11/30/16 Court

Please ensure This Court receives This Motion  
To Rescind Previous Motion To Waive and Cancel  
evidentiary hearing As soon As Possible.

The case no# is # 3:13-CV-00121  
THIS IS A CAPITAL CASE

This Motion Affects A Potential upcoming hearing  
Which The undersigned seeks To Cancel and  
Waive ~~hearing~~ There for This Motion is Time Sensitive  
To Avoid delays or errors in The Process.

Thank you,  
Travis James Malls  
#999563  
Petitioner - Pro-se